1566?

G. R. S. 11] 1920.-21

GENERAL AND REVENUE SECRETARIAT.

66)

NOTES.

File No. 171-20

FILE HEADING.

Memorial of Mara praying for mercy against the Sentence of death passed against him in Shimoga Sessions Case no 29 1920-21

From

The Registrar, High Court—

No. 61 65 Dated 22. 1. 21 Received 24. 1. 21

Diary No. 1566? Enclosures 5 file records Spare Copies. Serial No. 1

BRIEF ABSTRACT OF LETTER.

forwards the memorial of Mara praying for mercy against the Sentence of death passed against him in Shimoga Sessions Case no 29 20.-21

NOTES AND ORDERS.

The High Court have Confirmed the Sentences of death, passed by the Sessions Judge

The entire record of the Case has been received.

Draft

D. 25/1

25/1

NOTES—First Sheet.

Serial No.

3) The petitioner was charged, tried & convicted for the murder of one Khas Gurudappa and sentenced to death under s. 302 I.P.C. in Chitaldroog Sessions case no. 2 of 1920-21. In Criml. appeal no: 56 of 1920-21 the conviction & sentence were confirmed in the Chief Court. The petr. has now sent up a memorial on the plea of innocence and states in the memorial that he admitted the crime under police influence for which there is no foundation

(4) The statement of the accused shows that the petr. had made up his mind to kill the deceased & that the murder was premeditated for which he had received a sum of Rs: 50/ from the enemies of the deceased

5) The petr. pleaded guilty to the charge & his guilt has also been established by independent evidence. The judges of the Chief Court have held that the petr. struck the deceased with the intention to kill & it is clear from the medical evidence that the deceased died as the result

x 36 : B

Serial No.

of the blows struck by the accd. There was no provocation on the part of the deceased to justify the action of the accd in dealing such deadly strokes with axe on the deceased from behind, and this seems to be a fit case for the extreme penalty of the law.

b) There does not appear to be any extenuating circumstances in favour of the accd.

Submitted for orders.

D.M. 31/1

Revision

III Member

DM 31.1.21.

D.M. 1/2

4349 2.2.21

7) I agree. This is a cold blooded murder committed at his own deliberation. The accused 2 / misdeeds to be known as high road quite close to his own house and in the presence 2 several persons who saw his acts 2 movements. The accused abused his hospitality extended to him by the deceased in attempting to come and take his seat in the car in which he was travelling. Though the blows did not

NOTE—Contn. sheet.

1586?

4

Serial No.

DEWAN'S OFFICE.
Recd. on FEB 2 1921
Reg. No. 5128

Council Matter
(Circulation)

88
4/2

cause immediate death, they were armed with that object and would have produced the fatal result in due course. The accused knew that he was doing dangerous criminal act, this pet[n] may be rejected.

Hdv
2/2

Dewan) 8) I agree
Hm
2.2.21.
Dy.
2/2
Ceer
4.2.21

1st member) Hm
4.2.21
Dy.
4/2

9) I think that it is in my opinion a fit case for the exercise by the prerogative of Mercy & commute death sentence to transp. for life. The grounds are: that death was not likely to have been caused by the 13 days attempted strangulation than 4 days the accused attempt to murder & the circumstances of the act of which the accused was guilty.

Hdv
2/2

Advocate for a D.S.N. Hm
7/2/21

G. R. S. III-2]

1566

5

General and Revenue Secretariat.	File No. of 19 .

Serial No.

16) Please put up a D.F.N. & D.S.N.

D.M. 8/2

17) D.F. Ward D.S.N. put up

Essa 10/2/21 Stood 11/2

12) Please have the D.F.N. typed

D.M. 11/2

05 11/2

13) Typed D.F.N. put up.

Essa 12/2/21 Stood 12/2

14) Send circle D.F.N.

D.M. 15/2

4915 15.2.21

III Member 15) Otherwise

Secy 10/2 Approved Secy 17/2

16) Submitted Hon'ble Dewan).

Hm 18/2/21.

D.M. 18/2

DEWAN'S OFFICE.
Recd. on FEB 18 1921
Reg. No. 5455.

NOTE—Contn. sheet.

Final Note by the Third Member of Council.

Subject:-

Memorial for mercy of Mara, sentenced to death in Chitaldrug Sessions Case 2 of 1920-21.

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1) One Mara of Kelagalahatti, Chitaldrug Taluk, was charged with and tried for the murder of Khas Govindappa and sentenced to death under Section 302, Indian Penal Code, by the Sessions Judge, Shimoga, in Chitaldrug Sessions Case No.2 of 1920-21. The conviction and sentence were confirmed by the Chief Court on appeal, in Criminal Appeal No.56 of 1920-21. The accused has now memorialised His Highness for mercy on the usual plea of innocence.

2. On a perusal of the records, I am of opinion that there are no extenuating circumstances in favour of the memorialist to warrant the exercise of mercy. It was a cold-blooded murder that was committed by him at the instigation of the enemies of the deceased Govindappa on a high road quite close to the Police Station and in utter disregard of the presence of several persons who were near the scene of occurrence. The accused abused the hospitality extended to him by the deceased who gave him a seat in the cart in which he was travelling. Though the blows did not cause immediate death, they were aimed at with that object and would have produced the fatal result in due course.

3. The Dewan concurs in the above view.

4. The First Member, however, thinks that this is a fit case in which His Highness' prerogative of mercy may be exercised by commuting the death sentence to one of transportation for life. His reasons for this opinion are that death took place 13 days after the assault

and that para 4 of the judgment of the Sessions Judge indicates some doubt as to medical evidence and the exact nature of the act of which the accused was guilty.

2117. The case is submitted for the gracious orders of His Highness.

17th February 1921.

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the Third Member of Council on the subject of the memorial for mercy of Mara, sentenced to death in Chitaldrug Sessions Case No. 2 of 1920-21, for His Highness' gracious orders.

21st July.
1921

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Memorial of Mara praying for mercy against the sentence of death passed on him in Chitaldrug Sessions Case No.2 of 1920-21.

No 895

Order.

D.O. no. 179
1 file

The Palace,
Bangalore.

26th February 1921.

My dear Sir,

In returning herewith file No.894 dated the 21st regarding the memorial of Mara praying for mercy against the sentence of death passed on him in Chitaldrug Sessions case No.2 of 1920-21, I am directed to say that His Highness agrees with the First Member of Council and has decided to commute the sentence of death passed on the memorialist in this case to one of transportation for life.

Yours sincerely,

Rajasevadhurina

Sirdar M. Kantharaj Urs, C.S.I.,
Dewan of Mysore,
Bangalore.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

2

FOR PERUSAL OF

HIS HIGHNESS'S ORDERS

1st Member. W 163.

2nd Member
4740-43
21-3-21

Rest
21.3.21

3rd Member. [illegible]
24/3.

5483
24.3.24.

Rev. Secy. with Compliments

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

R. S. III-2j

General and Revenue Secretariat.

15367

C5 File No. 171 of 1920.

Serial No.

1) Submd. with a Draft to Regr. Chief Court - forwarding (a copy) of Hr. H's order

2) Done & send to C.B. for circulation

D.M. 2/3

2 To the Regr Chief Court

No 9 14104 dt 3.3.1921

Forwards copy of order passed on the Prisoner's memorial commuting the sentence of death to one of transportation for life.

Submd: The file may now be sent to Confidential Branch as ordered in last ¶ of para 29.

ESS 12/3/21 To the Confidential Branch)

Ret'd after Circulation

D.M. 20/3

Cs

30 MAR 1921

30/3

NOTE—Contn. sheet.

No. 651 cr & 22/1/21.

Encl: 5 file Jacket

15667

Pols 171-20-1

B A N G A L O R E,

Dated 20th January 1921.

57733

From

G. Sreenivasa Iyer, Esquire, B.A.,M.L.,

Registrar, Chief Court of Mysore,

B a n g a l o r e.

To

C. S. Balasundaram Iyer, Esquire, B. A.,

Chief Secretary to the Government of Mysore,

B a n g a l o r e.

S i r,

I am directed to forward a memorial addressed to His Highness the Maharaja by Mara accused in Chitaldrug Sessions Case No.2 of 1920-21 on the file of the Sessions Judge of Shimoga Division and appellant in Criminal Appeal No. 56 of 1920-21/Criminal Referred Case No. 3 of 1920-21 on the file of this Court.

The entire record of the case is herewith forwarded.

I have the honour to be,

S i r,

Your most obedient servant,

G Sreenivasa Iyer

REGISTRAR.

1920-21

marked before me :-

Chief jailor.
H.B. Gavi

19/1/21

Central Jail
Bangalore.
20.1.21.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Wednesday, the 5th day of January 1921.

P R E S E N T

SIR LESLIE C. MILLER, KT., C.B.E., CHIEF JUDGE

a n d

MR. JUSTICE R. B. P L U M E R.

CRIMINAL APPEAL NO. 56 of 1920 - 1921.
CRIMINAL REFERRED CASE NO.3 of 1920-21.

Petition of Criminal Appeal No.56 of 1920-21/Criminal Referred Case No. 3 of 1920-21, against the conviction and sentence by the Sessions Judge of Shimoga Division, under section 302 of the Indian Penal Code, in Chitaldrug Sessions Case No. 2 of 1920-21. : Appellant. M a r a (Accused).

J U D G M E N T

There is no doubt that the accused caused the death of Khas Govindappa by striking him two blows on the head with an axe; the first blow broke the handle and the second was delivered with the broken handle. Whether the first blow was delivered with the intention of striking the deceased with the cutting edge of the axe or not does not seem to make much difference. assuming that it was aimed to strike with the blunt part of the iron head of the axe the natural inference is that it was intended to cause death.

It is suggested that the blows were not in fact the cause of death, but the medical evidence is against the suggestion: the abscess which caused the death was, the doctor says the result of the blow and there is nothing to suggest that he is wrong. It is no doubt the fact that the deceased lived for some ten days after the assault in an unconscious state : for the preceding two days after the assault was conscious and able to speak, but that does not affect the value of the evidence.

If the appellant's statement in the Sessions Judge's Court is believed there can be no doubt that he did intend to kill Govindappa, but apart from that the evidence as to the assault is we think consistent only with an intention to kill.

We confirm the conviction and sentence of death.

Sd/- Leslie C. Miller,
Chief Judge.

Sd/- R. B. Plumer,
J u d g e.

" C o p y "

Registrar.

G. R. S. VI—S-III/33]

DRAFT.

SUBJECT .....

.....

.....

Section. 65
File No. 171-20
Serial No. 2

No. G 17104 and Encl

Diary No. of letter replied to.....

To

The Registrar of the Chief Court of Mysore.

GENERAL AND REVENUE SECRETARIAT,
( )
, the.....*191* .

Date of issue..... 3/3

Signed by..... M. Rm

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner..... Mara, accused in Chitaldrug Sessions case no 2 of 1920-21 undergoing sentence of..... death .....

.....

in the..... Bangalore Central Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial commuting the sentence of death to one of transportation for life.

2. The entire records received with your letter No..... 651 Cr dated ..... 22-1-..... 191 1 are herewith returned.

I have, etc.,

D. M. 3/3

for Secretary. Govt. Rev. Dept.

8/3/3 AR 3/3

In the Matter of a Memorial
of Mara praying for mercy against
the Sentence of death passed on him
in Chitaldrug Sessions Case No 2
of 1920-1921.

His Highness the Maharaja

has been pleased to

direct that the Sentence of death
be commuted ~~into~~ one of transportation
for life.

Seen.
2.3.21

Draft
P. M.
28/2

Dewan.

WD 02264—GPB—500—5-2-17